

BENSALEM TOWNSHIP ZONING HEARING BOARD

AUGUST 6TH, 2020

7:00 p.m.

Attendance:

Present:

Joann Redding, Chairwoman

Albert Champion, Vice – Chairperson

Matthew McHugh, Solicitor

Ken Farrall, Zoning Officer

Michael Brill, Member

George Seymour, Member

Harry Kramer, Member

ITEM 1: OPEN MEETING WITH THE PLEDGE OF ALLEGIANCE

ITEM 2: MEETING INFORMATION

This meeting is being held in conjunction with the Protocols in place for Social Distancing.

ITEM 3: APPROVAL OF LAST MONTH'S MINUTES – JUNE 18TH, 2020

The July 2020 meeting was cancelled. The minutes being approved are for the previous meeting, June 18TH, 2020.

MOTION: Made To Approve The Minutes Of The June 18TH, 2020 Meeting.

MOTION MADE BY: Michael Brill

SECONDED BY: George Seymour

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

ITEM 4: CONTINUED HEARING FOR CHAMAN POPLI APPEAL # 2020 -0470

Location: 634 Bristol Pike

Tax Parcel: 02 – 021 – 009

Request: Use Variance to have apartments on 2ND floor of commercial building in a G-C Zoning District.

Matthew McHugh stated that Applicant's Lawyer is asking for a Continuance until October's meeting.

Discussion about how many Continuances have been approved.

This will be the last Continuance granted to Applicant.

MOTION: Made To Approve A Continuance To October's Meeting For Hearing For Chaman Popli For Appeal # 2020 - 0470

MOTION MADE BY: George Seymour

SECONDED BY: Albert Champion

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

ITEM 5: HEARING FOR ERIC AND DENA ST. PIERRE APPEAL # 2020 – 1735

Location: 1275 Kings Avenue

Tax Parcel: 02 -031- 013 – 001 and 02 -031 – 013 – 002

Request: Variance to construct pool within 100-year floodplain.

B-1: Letter to Applicant

B-2: Proof of Posting

B-3: Proof of Publication

A-1: Application and Accompanying Documents

A-2: Certificate of Service

Applicants were sworn in.

The pool and deck are 1-1/2ft. above the flood plain elevation.

They want to slightly wide the driveway and patio to be able to enjoy the pool.

A-4: Exhibit from the Structural Engineer Thomas Woods of Baker Ingram and Assoc.

The pool will be constructed partially above grade within a 100-year-old floodplain elevation of 41 ft.

The pool will have approx. 19, 200 gallons of water slightly drained end of season but the water level will remain above the flood elevation therefore no buoyancy would occur.

Ken Farrall stated that they have done everything that was asked of them including the bouncy site plan.

Albert Champion – stated that there has been changes in the laws etc. regarding Storm Water Management.

MOTION: Made To Approve Variance To Construct Pool Within 100 Year Floodplain For Eric and Dena St. Pierre Appeal # 2020 - 1735

MOTION MADE BY: Harry Kramer

SECONDED BY: Michael Brill

VOTES: AYES: Joann Redding, Michael Brill, Harry Kramer

NAYS: Albert Champion, George Seymour

ABSENT: None

ABSTAIN: None

Albert Champion stated that voting against as he still has some questions about it.

George Seymour stated that voting against as also has some questions and is uncomfortable about it though knows the property.

MOTION CARRIED: 3-2

Matthew McHugh stated that is giving a Copy of the Decision to the Applicant.

ITEM 6: HEARING FOR K MCSQUARED LP APPEAL # 2020 – 2178

Location: 1156 Buttonwood Avenue

Tax Parcel: 02 -025 -020

Request: Variance for rear yard setback to construct a deck.

Matthew McHugh stated that has heard nothing from the Applicant regarding this Application.

Joann Redding stated that the Applicant is not in the Audience.

Suggestion to check outside in the Hall due to the Social Distancing Protocols to see if Applicant is Present.

Ken Farrall checked outside in the Hall and stated that there is no indication that Applicant is Present.

Matthew McHugh stated that since the Applicant or Applicant's Representative has not contacted him and is not Present at this Meeting, there is no evidence that relief is being requested and the recommendation is to Deny Application.

MOTION: Made To Deny Application Hearing For K. McSquare LP Appeal # 2020 – 2178 Due To No Show By Applicant.

MOTION MADE BY: Albert Champion

SECONDED BY: George Seymour

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

Matthew McHugh stated that will send Copy of the Decision to Applicant.

ITEM 7: HEARING FOR MUHAMMAD SHAFIQ APPEAL # 2020 – 2236

Location: 1091 Kings Avenue

Tax Parcel: 02 -031 - 101

Request: Variance for front yard setback and vision obstruction for an existing fence.

Muhammad Shafiq, Applicant was sworn in.

B-1: Letter to Applicant

B-2: Proof of Posting

B-3: Proof of Publication

A-1: Application and Accompanying Documents

A-2: Certificate of Service

Matthew McHugh stated to Applicant that he emailed names and address of adjacent property owners that the Applicant had to send a mailing to, to advise them of the Hearing.

Matthew McHugh asked Mr. Shariq if he had the Certificates of Service to prove that those property owners were contacted?

Mr. Shariq stated that didn't get email.

Matthew McHugh stated that the Hearing can't proceed without contacting the adjacent property owners and providing the Certificate of Service.

Matthew McHugh stated that he would provide Mr. Shariq with a hard copy by mail of the names and addresses of the property owners and that the Hearing has to be Continued.

Matthew McHugh also gave Ken Farrall's contact information to Mr. Shariq to discuss any issues.

Albert Champion stated that he had questions.

Matthew McHugh stated that don't want to get into substance until the Hearing.

MOTION: Made To Continue Hearing To October Meeting For Muhammad Shafiq For Appeal # 2020 - 2236

MOTION MADE BY: Harry Kramer

SECONDED BY: Michael Brill

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

Matthew McHugh stated to Applicant that Hearing is being Continued until October Meeting.

ITEM 8: CONTINUED HEARING FOR MATTHEW AND DIANE TORRES APPEAL # 2019 – 4224

Location: 4219 Roberts Circle

Tax Parcel: 02 – 077 -006

Request: Variance to have a stone driveway.

Matthew McHugh stated that this hearing was Continued and then another Continuance by Applicant in January and then the Zoning Board Meetings cancelled due to Pandemic.

The property owner was given a temporary Occupation Certificate by Ken Farrall. Applicant was asking for a Variance for a stone driveway with intent to pave driveway.

Mr. Torres, Applicant stated that 3 ways for driveway. It can be asphalt, concrete or gravel.

Mr. Torres currently has a gravel driveway very long driveway 150 ft. doesn't have exact measurement of stone and weight but it is graded packed and sealed.

The house sits downhill from driveway. When it rains and the stones are wet, the water drains, soaks through the stone.

Mr. Torres would like to keep the stone driveway and other that aesthetic doesn't see any reason why that shouldn't be allowed. Has woods to the right and left and also 95.

Joann Redding stated it's important to the Township, the driveway and sidewalks and that is why the Ordinances are in place.

Ken Farrall stated that all new construction must have paved driveways.

Mr. Torres stated that if it were a subdivision, he would get it but its not a neighborhood where everybody has it.

Mr. Torres also stated that biggest concern is there is no way to pitch the driveway away from the house because of the way that the house sits. Was in the house about 3 days and the sump pump was constantly on due to rainy weather.

Albert Champion stated that it is a subdivision that property is located at. It's called Glen Ashton.

Albert Champion said that is aware of water issue as lives in Glen Ashton but that knows of no other property that is not paved. The stone will eventually wash away.

Albert Champion also stated that the 1st time Mr. Torres appeared before the Zoning Board, said the stone was only temporary. A discussion between Mr. Torres and the Board took place with a decision that the driveway would most likely not be able to be paved until after the wintertime. The wintertime is over and now you want it to stay as stone however the Township Ordinance is that a driveway is either asphalt or paved.

Mr. Torres asked What is the reason that the Township only allows asphalt or paved? Other that aesthetics, I can't think of a reason why stone shouldn't be allowed.

Joann Redding stated that the Township has a right to enact the policies.

Matthew McHugh stated that the Zoning Board's only job for this Application, is to decide whether or not

to grant an exception to the rule. What is the hardship?

Albert Champion asked Mr. Torres, The builder of the house, the architect, did they not bring this issue up to you?

Mr. Torres stated that when picked up temporary Use and Occupancy Permit, they found out about it, didn't know about it before that

Albert Champion stated that if it were him, that he would be upset with the Builder.

Mr. Torres stated that there are underground springs, for 60 years, it was his grandfather's property.

Albert Champion stated – Mr. Torres so you were aware of a water issue?
Mr. Torres – Yes with the house on the property.

Joann Redding asked for a Motion to Close the Testimony.

MOTION: Made To Deny Variance To Have A Stone Driveway For Continued Hearing For Matthew and Dianna Torres Appeal # 2019 - 4224

MOTION MADE BY: Albert Champion

SECONDED BY: George Seymour

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

Ken Farrall asked Mr. Torres to contact the Building and Planning Office.

Matthew McHugh stated that was giving a Copy of the Decision to the Applicant.

ITEM 9: HEARING FOR NEW CASTLE BUILDING PRODUCTS APPEAL # 2020 – 2270

Location: 2525 State Road

Tax Parcel: 02 – 065 – 022 – 004

Request: Variance to permit outside storage and fence height and location.

B-1: Letter to Applicant

B-2: Proof of Posting

B-3: Proof of Publication

A-1: Application and Accompanying Documents

A-2: Certificate of Service

Exhibits

Matthew McHugh stated that everything appeared to be in order and that Joe Blackburn, Attorney is representing Applicant.

Scott Mill, Engineer and Jeff Roth, New Castle Regional Manager were sworn in.

Mr. Blackburn stated that the property is approx. 2.28 acres in R-55, the Riverfront Revitalization District and the Applicant is asking for a Variance to permit outside storage and fence height and location.

The business, a building supply warehouse, has been located at 850 Highland Avenue for the past 3-1/2 years. They wanted to stay in the Township and after discussions with the Township they decided to relocate to 2525 State Road.

Mr. Roth has been with New Castle Building Products for about 2 years. He is familiar with the operations at the current location. They are open Monday – Friday, 7:00 a.m. to 4:00 p.m. for Customers and employees are there from 6:00 a.m. to 6:00 p.m. They use hand trucks; they have customer pick ups and vendor deliveries.

Mr. Blackburn asked Mr. Roth if there are large trucks for deliveries and for vendor pickups? Mr. Roth stated that there are 2 tractor load deliveries a day and customer picks up are about 20 – 30 a day.

The 2525 State Road location will be much larger in excess of 40,000 sq.ft. The interior includes office space, a supply showroom and warehouse. A majority of the building is product. The new location has additional parking and has parking over what is required by Ordinance.

They would like to install an 8 ft. high fence for curb appeal and to shield the product.

Albert Champion asked Did you have issue with parking at the current location?

Mr. Roth stated that Yes parking was issue but were able to control it.

Albert Champion asked is the ceiling height at 2525 State Road a 22ft. ceiling?

Mr. Roth stated Yes it was and that a lot of extra material can be stored at this location.

Albert Champion stated that is concerned with Storm Water Management issue and drainage.

Mr. Blackburn stated that the Engineer can address that.

Albert Champion asked if Castle Building Products is the only tenant on the property?

Mr. Blackburn stated Yes only Castle Building Products.

Ken Farrall stated that with the Revitalization District the Township has a vision for the waterfront district but this business currently located in Bensalem has to get out of their current location as they're growing and they want to stay in the Township. The warehouse at 2525 State Road is located in the Revitalization District and although this business doesn't fit exactly with the Revitalization idea, it is allowing to stay in the Township. They have had

extensive conversations with me and others and have worked with the Township and using adaptive resource it is good location for them to move the business to this location.

Mr. Blackburn stated that the fence they want to install is 8 ft. high probably vinyl fencing which will be aesthetically appealing versus the current chain link fence.

The business provides product to consumers such as windows and decking for homeowners.

Matthew McHugh stated that the Variance would be strictly for outside storage.

Joann Redding stated that at the current location there is a 6ft. barbed wire fence and doesn't want to see that at new location.

Mr. Blackburn stated that it won't be barbed wire but an 8ft. fence.

George Seymour asked What goes into this new location will be suitable and not overused?

Ken Farrall stated that it is Commercial Use Property.

The situation is that they grew too fast at current location.

Mr. Blackburn asked Mr. Mill, Engineer, It will be a vinyl slot fence versus a chain link fence?

Mr. Mill answered Yes vinyl fencing.

Mr. Blackburn asked Mr. Mill about the outdoor storage component identified in the variance. Mr. Mill stated that R-55 has dimensional requirements about residential density etc. but the mixed use doesn't appear to fit with that, not specified. Seeking confirmation that those don't apply.

Matthew McHugh stated that Condition would be a strict compliance with plan, for example impervious surface coverage.

Mr. Mill stated that seeking minimal relief needed to comply.

Albert Champion asked if any outside wrapping so if it has to be converted back it can be?

Joann Redding asked No building.

Mr. Roth stated it'll be mainly roofing shingles on skids.

Mr. Roth also stated that a tractor trailer delivery 2x's a week and sometimes a van.

99% of the dock pickups by pickup trucks and vans.

Ken Farrall stated that may not be able to make loop to get out of parking lot don't want to be backing up onto State Road.

Ken Farrall stated that the location was vacant.

Mr. Blackburn stated it was a warehouse distribution center.

Harry Kramer asked if its lighted up at night.

Mr. Roth stated Yes with motion lights and its also lighted in accordance with Township Ordinance.

Joann Redding stated the current building is 12,000 sq. ft. and the new building is 40,000 sq.ft. It seems that you wouldn't need that outdoor storage space. Maybe make the staging area smaller so that trucks can get in and out easier.

Mr. Blackburn stated that the gray area on the plan is not defined, it's for identification purpose only.

Joann Redding stated that it's part of the variance and once we grant it, we can't control what happens with it.

Mr. Roth stated that storage is not long. Unload trucks put it in storage place and then move it into warehouse.

Mr. Roth stated that with current deliveries they're scheduled so not getting 3 deliveries at once, they know when deliveries are arriving.

Joann Redding stated that with growing business additional deliveries with products. It seems as if the business is successful.

Albert Champion asked Matthew McHugh can the variance be conditional?

Matthew McHugh stated that if they don't comply the Township can be contacted.

Mr. Blackburn stated that it is essential for the business to schedule large truck deliveries, they're doing it now at current location, so they'll be able to continue to coordinate it at the new location. He also stated that he understands the concern and again stated that the drawing is conceptional in nature only.

Joann Redding asked if Anybody in the Audience is here to Speak For or Against this Application.

Lawrence Grace, 918 Tennis Avenue, was sworn in.

Mr. Grace currently borders the businesses current location 2 sides Highland and Tennis Avenue.

Mr. Grace is for them moving into the new property. Feels that they got railroaded at the current location. They're not mean, they're honest people. No beef with them, don't want to see job loss if they can't stay locally. With the other business I still hear trucks, horns, etc. Them moving won't be a relief for my situation because situation will still occur, but it will be good for them to move into a bigger place.

Albert Champion stated to Mr. Grace sometimes the enemy that you know is better than the enemy that don't know.

Joann Redding asked for a Motion to Close Testimony.

MOTION: Made To Close Testimony For Hearing For New Castle Building Products Appeal # 2020 -2270

Motion Made By: Albert Champion

SECONDED BY: George Seymour

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

MOTION: Motion Made To Approve Variance To Permit Outside Storage And Fence Height And Location With Strict Compliance With Plan As Submitted For Hearing For Castle Building Products Appeal # 2020 -2270.

Motion Made By: Albert Champion

SECONDED BY: George Seymour

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

Matthew McHugh stated that is giving a Copy of the Decision to the Applicant's Attorney.

ITEM 10: HEARING FOR REPUBLIC BANK APPEAL # 2020 -2181

Location: 2734 Street Road

Tax Parcel: 02 -037 -029 to 31

Request: Variance for freestanding sign and directional signs to have logo

Rob McNally is Representing Republic Bank.

Chris Reiss was sworn in.

Matthew McHugh gave a summarization.

Mr. McNally stated that 1 of the Original Variances in the Plan for a free-standing sign is no longer needed, was able to move it to be complying. Exhibit E.

Directional signs were approved by prior township engineer under the plan submitted.

New Plan was submitted, and guess didn't realize it was needed to be approved by new Zoning Officer and Township Engineer.

Signs are part of the Land Development process. When submitted application found out had issue.

The main sign is out of the right of way.

The directional signage located at each entrance.

Small sign about 3ft. off ground, 2ft. wide by 1-1/2ft. height. It is a logo with arrow located at entrance to the bank. Makes it easier to locate entrance to bank with other driveways in the vicinity. The logo sign helps to clarify location.

Albert Champion asked if the signs are back lit?

Mr. Reiss stated they're illuminated back lit signs.

Mr. McNally stated that believed they had to be turned down etc. at a certain time too.

Mr. Reiss stated that other signs, that are standard Penn Dot signs with no logo such as stop signs, right turns will be installed too.

Mr. McNally stated that the driveway signs and stop signs comply with Penn Dot.

Mr. McNally also stated that there is an internal directional sign with logo.

Mr. Reiss stated that 1 each at driveway and 1 at drive through.

Matthew McHugh asked if its 3 free standing signs for Variance.

Mr. McNally Yes, 1 monument sign and 2 directional signs.

Matthew McHugh stated by law a sign with arrow and no logo is allowed but need a variance to add logo.

Matthew McHugh also stated that allowed to have 2 free standing signs due to frontage but have 3 freestanding signs.

Mr. McNally stated It is still under the maximum allowed signage.

Albert Champion asked if signs inside the building are considered wall signs?

Ken Farrall stated that it depends.

Mr. McNally stated its hanging on the window.

Albert Champion asked Mr. McNally so you don't have a wall sign?

Mr. McNally No

Albert Champion stated that's good news.

Joann Redding asked if Any Member of the Audience would like to Speak For or Against this Application?

William McHale, 2925 Mechanicsville Road, was sworn in.

Mr. McHale stated that is next door neighbor and lots of things that not ok with including looking at an illuminated sign, how high is it now going to be? Also, there were many bushes, met with landscaper who said there be a green strip, any new information about it?

Mr. Reiss stated Yes it will be well screened and buffered.

Mr. Reiss also stated that the previous sign was 17ft.high but that was modified and moved sign too.

Joann Redding asked for a Motion to Close Testimony.

MOTION: Motion Made to Close Testimony for Hearing for Republic Bank Appeal # 2020 – 2181

Motion Made By: Albert Champion

SECONDED BY: George Seymour

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

Albert Champion asked Matthew McHugh if there are 3 variances?
Matthew McHugh stated there are 2 variances to consider.

MOTION: Made To Approve Variances For Freestanding Sign And Directional Sign To Have Logo For Hearing For Republic Bank Appeal # 2020 -2181

Motion Made By: Albert Champion

SECONDED BY: George Seymour

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

Matthew McHugh stated that is giving a Copy of the Decision to Applicant's Attorney.

ITEM 12: HEARING FOR CIFALDI PROPERTY INVESTMENTS LLC. APPEAL # 2020 -2182

Location: 3218 State Road

Tax Parcel: 02 – 068 – 046

Request: Variance for non conforming space (commercial) to be residential apartment.

Matthew McHugh stated that received request for a Continuance to September's Meeting.

MOTION: Made To Approve A Continuance For Hearing For Cifaldi Property Investment LLC Appeal # 2020 -2182 To September's Meeting.

Motion Made By: Albert Champion

SECONDED BY: Harry Kramer

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

ITEM 12: CONTINUED HEARING FOR NESHAMINY MALL JOINT VENTURE LTD. APPEAL # 2020 - 0605

Location: 707 Neshaminy Mall

Tax Parcel: 02 -001 – 039 -001

Request: The Challenge of the Decision by the Zoning Officer not to permit semi – truck parking on Mall premises.

Matthew McHugh stated that Neshaminy Mall has withdrawn their application pursuant to agreement with the violations and has resolved the matter.

ITEM 13: Correspondence

ITEM 14: Adjournment

MOTION: Made To Adjourn Meeting.

Motion Made By: Harry Kramer

SECONDED BY: George Seymour

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

MEETING ADJOURNED

**MINUTES SUBMITTED BY: DONNA SPONHEIMER – SMITH
THE MINUTES ARE NOT VERBATIM, THEY'RE A SYNOPSIS OF THE MEETING.**

